

THOMAS A. PACKER (SBN: 104767)
 MORDECAI D. BOONE (SBN: 196811)
 CARRIE A. LUBINSKI (SBN: 174006)
 GORDON & REES LLP
 Embarcadero Center West
 275 Battery Street, Suite 2000
 San Francisco, CA 94111
 Telephone: (415) 986-5900
 Facsimile: (415) 986-8054

Attorneys for Defendants
 MENU FOODS INCOME FUND; MENU FOODS LIMITED PARTNERSHIP; MENU
 FOODS MIDWEST CORPORATION; MENU FOODS SOUTH DAKOTA, INC.; MENU
 FOODS, INC.; AND MENU FOODS HOLDINGS, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

DIANE LOWERY, individually and on behalf of a
 class of similarly situated persons,

Plaintiff,

vs.

MENU FOODS INCOME FUND; MENU FOODS
 LIMITED PARTNERSHIP; MENU FOODS
 MIDWEST CORP.; MENU FOODS SOUTH
 DAKOTA, INC.; MENU FOODS, INC.; MENU
 FOODS HOLDINGS, INC.

Defendants.

CASE NO.: C 07 2665 EDL

**REQUEST FOR ASSIGNMENT TO
 A DISTRICT JUDGE**

Gordon & Rees LLP
 275 Battery Street, Suite 2000
 San Francisco, CA 94111

Pursuant to Local Rules 73-1(a)(2), Defendants MENU FOODS INCOME FUND, MENU FOODS LIMITED PARTNERSHIP, MENU FOODS MIDWEST CORPORATION, MENU FOODS SOUTH DAKOTA, INC., MENU FOODS, INC., and MENU FOODS HOLDINGS, INC. hereby request re-assignment from a magistrate judge (The Honorable Elizabeth D. Laporte) to a district judge. The request comes now as Defendants and Plaintiffs have filed a Stipulation And [Proposed] Order For Stay Of All Proceedings And Preservation Of Evidence prior to the initial case management conference.

In addition, defendants direct the Court's attention to the Notice Of Pendency Of Other Actions And Proceedings And Notice Of Transfer Order filed in this case. A related action is filed in this Court and has been assigned to the Honorable Maxine Chesney. This related case was filed on March 21, 2007 and is entitled *Sherry Ingles, et al. v. Menu Foods, Inc. et al.* Case No. 3:07-CV-01809-MMC.

Dated: June 21, 2007

Respectfully submitted,

GORDON & REES LLP

By:


Carrie A. Lubinski

Attorneys for Defendants
MENU FOODS INCOME FUND; MENU
FOODS LIMITED PARTNERSHIP; MENU
FOODS MIDWEST CORPORATION;
MENU FOODS SOUTH DAKOTA, INC;
MENU FOODS, INC.; and MENU FOODS
HOLDINGS, INC.

Gordon & Rees LLP
275 Battery Street, Suite 2000
San Francisco, CA 94111